

From: [Kenyon, Steve \(AGR\)](#)
To: [Dan Peacock/DC/USEPA/US@EPA](#)
Cc: [Corte-Real, Lee \(AGR\)](#)
Subject: Massachusetts Denies Registration of Second Generation Rodenticides Labeled for Residential Uses
Date: 11/20/2008 11:55 AM

Dear Mr. Peacock,

On November 19, 2008, and as per Massachusetts General Laws [c. 132B§7 and regulations 333 CMR 8.00 Registration of Pesticide Products], an official meeting of the Massachusetts Pesticide Board Subcommittee (Subcommittee) was conducted; whereby, it considered and unanimously voted to deny registration of the following rodenticide products containing difenacoum, a new active never before registered for use in Massachusetts.

- Victor V Multi Kill Brand Bait Pellets, EPA Reg. No. 47629-14;
- Victor V Fast Kill Brand Bait Blocks, EPA Reg. No. 47629-16; and
- Victor V Multi Kill Brand Bait Bags, EPA Reg. No. 47629-17

Such registration applications are presented to the Subcommittee at its monthly meetings and it's worth noting that while preparing of these packages, staff found it difficult to read the print on the labeling. The print font size is small and the dark red background does not help. Photocopying this labeling rendered it illegible; subsequently, the Department required the registrant to provide additional copies of the original color submissions for the Subcommittee's purposes.

While considering these registrations the Subcommittee noted that the new active ingredient, difenacoum, is a member of the second generation anticoagulant family, associated with significant and growing concerns for human and wildlife exposure and associated toxicity. The Subcommittee also noted that the above products are labeled for use by homeowners and other residential property owners.

The Subcommittee especially noted that the above rodenticide products are not in-compliance with the recent U.S. Environmental Protection Agency "Risk Mitigation Decision for Ten Rodenticides[1]". As described in the Agency's Final Decision, pesticide registrants must submit applications to amend registrations of products; such as those listed above, given that such second generation rodenticide products are currently labeled and packaged for use by homeowners and other residential property owners.

As outlined in the Agency's Risk Mitigation Decision, the above rodenticide registrations do not comply with the following new requirements for "consumer size" rodenticide products:

- That "Consumer size" bait products may contain one or more of the following active ingredients: chlorophacinone, diphacinone, warfarin, bromethalin, cholecalciferol, and zinc phosphide; and
- That "Consumer size" products may not contain the following active ingredients: brodifacoum, difethialone, bromadiolone, or difenacoum.

The Subcommittee has considerable concerns relative to the use of such products and believes its decision was made on solid grounds; moreover, that any new registration application for such pesticide products should be in compliance with the Agency's Final Decision. With all of the above facts in mind, the Subcommittee unanimously approved the following action:

- That the Department send a written petition, asking the Registrant to rescind the above registration applications; and
- That new registrations be submitted in compliance with the EPA's Final Decision.

After informing the registrant of the Subcommittee's decision, a Mr. Chad Mateer, Regulatory Manager, Woodstream Corp., contacted the Department and stated that his company would not accept the Subcommittee's decision and would appeal to the Pesticide Board as permitted under the law.

The Department is now working to assist the Subcommittee in defense of its product registration decisions. If you would, please provide documentation that supports the Agency's intention to enforce the requirements as outlined in the Final Decision and that supports the need for the above product registrations to be revised in accord with these regulatory directives.

Thank you very much for your attention to this important matter. Please call or reply should you have any questions.

Sincerely,

Steven E. Antunes-Kenyon, Environmental Analyst
Massachusetts Department of Agricultural Resources
251 Causeway ST; Suite 500
Boston, MA 02114-2151

steve.kenyon@state.ma.us

p: (617) 626-1784

f: (617)626-1850

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[1] Risk Mitigation Decision for Ten Rodenticides. U.S. EPA, May 28, 2008.
<http://www.epa.gov/oppsrd1/reregistration/rodenticides/finalriskdecision.htm>
Docket Number: EPA-HQ-OPP-2006-0955